

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 27 JAN 2006

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Applicant's or agent's file reference P4122PC00	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/SE2005/000053	International filing date (day/month/year) 19.01.2005	Priority date (day/month/year) 21.01.2004	
International Patent Classification (IPC) or national classification and IPC G06F1/00			
Applicant QUIBUS INTERNATIONAL AB et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 13.08.2005		Date of completion of this report 25.01.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80289 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Mäenpää, J Telephone No. +49 89 2399-7287	



**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. 1 Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-7 as published

Claims, Numbers

1-10 as published

Drawings, Sheets

1/2, 2/2 as published

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
- * If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

- 1 Reference is made to the following documents:

D1: US2002082999

D2: WO0153965

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 10 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

- a method for rendering the protection of electronic data against illegally copying in networks more efficient (abstract)
- publishing for a computer a second set of files including a corrupted information content in relation to a first set of files (figure 7, step 140; paragraph 50)
- providing an IP address to the computer (implicit)
- executing a network client in the computer, a network client being arranged to connect to a network of peer-to-peer type or a corresponding network and making a second set of files available for downloading to other computers connected to the network (figure 7, step 150, paragraph 52, "Napster")

The subject-matter of claim 1 therefore differs from this known D1 in that the corrupted data is published for a plurality of computers that are provided with IP addresses without a mutual order selected from a set of IP addresses, the set of IP addresses being substantially larger than the number of selected IP addresses.

The technical problem solve by the difference is to make it more difficult for filtering systems to identify the computers distributing the corrupted data while making the distribution more efficient.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The usage of the plurality of distributing computers in order to efficiently distribute the corrupted data is an obvious design option for the skilled person.

Also the method of selecting addresses from a large pool for a disturbance data broadcaster in order to avoid detection is known from D2, page 1, line 26 - page 2, line 5 and selecting addresses without a mutual order from the pool is an standard design option for avoiding the detection of selected addresses.

2.1 The subject-matter of claim 10 corresponds essentially to the subject matter of claim 1. The additional features: server park, central unit and database of independent claim 10 are obvious features for arranging a control and management of the needed plurality of computers.

The subject-matter of claim 10 is therefore also considered not inventive.

2.2 Dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of or inventive:

The features of dependent claims are obvious design alternatives for the skilled person.

3 Additionally, the present application does not meet the requirements of PCT in the following respects:

3.1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D2 is not mentioned in the description, nor is this

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(SEPARATE SHEET)**

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document identified therein.